

AMENDMENT TO THE DRAWINGS

The attached Replacement Sheet of drawings includes changes to FIG. 1. Specifically, FIG. 1 has been amended by replacing “44” with “47 to address the Examiner’s objection. This Replacement Sheet, which includes FIG. 1, replaces the original sheet including FIG. 1.

Attachment: Replacement Sheet (1)

REMARKS

Claims 1, 9 through 12, 15, 16, 24, 25, 30, 54, and 56 through 64 are pending in this Application. Claims 2 through 8, 14, 17 through 23, 26 through 29, 31 through 53, and 55 have been cancelled without prejudice or disclaimer, claims 1, 10 through 12, 16, 24, and 54 have been amended, and new claims 56 through 64 have been added. Care has been exercised to avoid the introduction of new matter. Adequate descriptive support for the present Amendment should be apparent throughout the originally filed disclosure as, for example, the Abstract, FIG. 1, and ¶¶[0036], [0043], [0045], [0047] through [0055], and [0066] through [0069] of the corresponding US Pub. No. 2002/0165024. Applicant submits that the present Amendment does not generate any new matter issue.

Personal Interview of November 3, 2009.

Applicants express appreciation for the courtesy of the Examiner and his supervisor in granting and conducting a personal interview on November 3, 2009. During the interview, the Examiner and supervisor indicated that the present claim amendments would overcome the objections and rejection of record. It is with that understanding that the present Amendment is submitted.

Objection to the Drawings.

The Examiner objected to the drawings, asserting that FIG. 1 does not show element “47”. In response, FIG. 1 has been amended by replacing “44” with “47”, consistent with the written description of the specification, thereby overcoming the states basis for the drawing objection. Accordingly, withdrawal of the objection to the drawings is solicited.

Objections to the disclosure.

The Examiner objected to the disclosure and identified various perceived informalities in the written description of the specification. This objection is traversed.

Regarding “DVB or DAB,” Applicants respectfully point out that the full phrases of “DAB (Digital Audio Broadcasting) or DVB (Digital Video Broadcasting)” are recited on page 13, first paragraph of the originally filed specification. The recitation of “Display 54” has been corrected into “Display 52”, thereby overcoming the stated bases for the objections. Accordingly, withdrawal of the objections to the disclosure is solicited.

Claim Objections.

The Examiner objected to the claims asserting that claims 53 through 55 are misnumbered and that there is no mention of claim 52. In response, this apparent oversight has been corrected by cancelling the relevant claims before and after claim 52. Accordingly, withdrawal of the objection to claim 52 is solicited.

Claims 1, 16, 41, 43, 44, 51, and 54 were rejected under the first paragraph of 35 U.S.C. § 112 for lack of adequate descriptive support.

In stating the rejection, the Examiner asserted that the recitations of “facilitating provision” and “content-related” are not adequately described in the original specification. This rejection is traversed.

Initially, literal support is not required by the statute. *Univ. of Rochester v. G.D. Searle & Co.*, 358 F.3d at 923; *Regents of the Univ. of Cal. v. Eli Lilly & Co.*, 119 F.3d 1559, 1566-67 (Fed.Cir.1997). An applicant need not utilize any particular form of disclosure. *Carnegie Mellon Univ. v. Hoffmann-La Roche Inc.*, 541 F.3d 1115, 1122 (Fed.Cir.2008) (quoting *In re Alton*, 76 F.3d 1168, 1172 (Fed.Cir.1996)). Further, a patent applicant has the right to narrow an originally

disclosed invention. *In re Johnson*, 558 F.2d 1008 (C.C.P.A.). These legal tenants support the determination that one having ordinary skill in the art would have recognized from the originally filed disclosure, particularly ¶ [0069] of the written description of the specification, that Applicant had possession of the now claimed invention at the time the application was filed. In particular, ¶ [0069] recites that the actual transmission of the message can be done either by the mobile phone itself or by a remote service platform which transmits the selected message in response to the transmit instruction entered by Gary on his mobile phone. As such, the provision of the pre-defined messages can be facilitated by the service platform.

While Applicant does not agree with the Examiner's determination, to expedite prosecution, the identified recitations have been removed, thereby overcoming the stated bases for the rejection. Applicant therefore solicits withdrawal of the rejection of claims 1, 16, 41, 43, 44, 51, and 54 under the first paragraph of 35 U.S.C. §112.

Claims 1 through 12, 14 through 30, 39 through 45, 51, 53, and 54 were rejected for obviousness under 35 U.S.C. §103(a) based on *Mackintosh et al.* (US 6,317,784, “*Mackintosh*”) in view of *Rouse et al.* (US 6,983,310, “*Rouse*”).

In stating the rejection, the Examiner asserted that one having ordinary skill in the art would have been led to modify *Mackintosh's* supplemental information presenting system for broadcast materials by including *Rouse's* wireless terminal performing specific operations, to communicate with a external device via a cellular phone link. Applicant respectfully traverses this rejection.

Independent claim 1 recites, *inter alia*, “a service platform configured to run an on-line **gaming** service for providing a **gaming** content, by: providing for transmission of the **gaming** content to at least one terminal via a network; and providing along with the transmitted **gaming**

content of at least one **event-related** predefined message to the at least one terminal, the **event-related** predefined message being generated independently of the **gaming** content **by automatically identifying an event that occurs during the on-line gaming service**, and the **event-related predefined message** also being **automatically modified** to be transmitted from **the service platform as requested by** the at least one terminal **to at least another one terminal based upon a presenting capability of the at least another one terminal.**” Independent claim 16 recites similar features.

Applicant respectfully submits that none of the applied references, taken singly or in any combination, disclose or suggest the above-described operations of a service platform and terminals. Specifically, Mackintosh only provides **content-related** (not **event-related**) predefined message: “artist,” “song,” “album” (FIG. 12, field 518). In addition, Mackintosh does not provide event-related predefined message to the at least one terminal during an online **gaming** services.

The secondary reference to *Rouse* does not cure the previously argued deficiencies of *Mackintosh*. *Rouse* is said to disclose a wireless terminal performing specific operations. However, *Rouse* is simply silent with respect to **event-related** predefined messages, let alone “providing event-related predefined message to the at least one terminal during an online **gaming** services”.

It is therefore apparent that even if the applied references are combined as proposed by the Examiner, and Applicant does not agree that the requisite realistic motivation has been established, the claimed invention would not result. *Uniroyal, Inc. v. Rudkin-Wiley Corp.*, 837 F.2d 1044 (Fed. Cir.1988). Applicant, therefore, submits that the imposed rejection of claims 1 through 12, 14 through 30, 39 through 45, 51,53, and 54 under 35 U.S.C. § 103 for obviousness

based on *Mackintosh* in view of *Rouse* is not factually or legally viable and, hence, solicit withdrawal thereof.

New claims 56 through 64.

New independent claim 64 recites similar features to those in independent claims 1 and 16 and, hence, is free of the applied prior art for reasons advocated *supra* with respect to independent claims 1 and 16.

New claims 56 through 63 depend from claims 1 and 16 and, hence, are free of the applied prior art for reasons advocated *supra* with respect to claims 1 and 16.

Further, Applicant separately advocates the patentability of each of claims 47 through 49 based on the limitations expressed therein. The applied prior art is silent with respect to the limitations in claims 56 through 63, particularly the following: the event occurs during a game and includes at least one of a hit, a kill, seeing an opponent, and entering a place by a player ([0062]), the event occurs outside the game and includes at least entering a chat room, starting another game, and looking for new opponents. ([0062]), said service platform automatically attaches a web link of the online gaming service to the at least one event-related predefined message, prior to sending out the at least one event-related predefined message therefrom ([0069]). Accordingly, claims 56 through 63 are free of the applied prior art.

Based upon the foregoing, it is apparent that the imposed objections and rejections have been overcome, and that all pending claims are in condition for allowance. Favorable consideration is therefore solicited. If any unresolved issues remain, it is respectfully requested that the Examiner telephone the undersigned attorney at 703-519-9954 so that such issues may be resolved as expeditiously as possible.

To the extent necessary, a petition for an extension of time under 37 C.F.R. § 1.136 is hereby made. Please charge any shortage in fees due in connection with the filing of this paper, including extension of time fees, to Deposit Account 504213 and please credit any excess fees to such deposit account.

Respectfully Submitted,

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Date

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